

Serial No. 10/660,910
Docket No. 10191/3170
Reply to Office Action of September 30, 2005

Amendments to the Drawings

Please replace amend Fig. 1 as noted in the attached Replacement Sheet.

REMARKS

Claims 1-8 are pending in the present application, and claim 6 has been amended. For at least the reasons stated below, Applicants submit that the claims are patentable in view of the prior of record.

I. Objection to the Title

The Examiner objects to the title of the invention as not descriptive. Applicants respectfully disagree, but for the advancement of the present application, Applicants submit an amended title indicating that the measurement of the rotational speed of the motor is based on a measurement of current ripple frequencies. Therefore, Applicants request withdrawal of this objection.

II. Objection to the Drawings

The Examiner objects to the drawings, specifically Fig. 1 because boxes 1, 2 and 7 have not been labeled. Applicants respectfully disagree because as originally filed, these boxes included proper identification based on the lead lines and corresponding numbering. Although, for the advancement of the present application, Applicants submit a Replacement Sheet indicating box 1 labeled "Control Circuit," box 2 labeled "Circuit Element" and box 7 labeled "Comparator." Therefore, Applicants request withdrawal of this objection.

III. Rejection of Claims under 35 U.S.C. §102(b)

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,236,175 issued to ("Mourad"). Applicants submit that currently pending claims 1-7 are patentable over Mourad.

To anticipate a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is *identically disclosed* in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

Claims 1 and 6 recite, *inter alia*, measuring a rotational speed of a pulse-activated electric motor including "fully activating the pulse-activated electric motor" (as recited in claim 1) and "an evaluation unit for determining a frequency of current ripples for a current

flowing in a measured phase in which the pulse-activated electric motor is fully activated” (as recited in Claim 6). As described in the specification, the measurement of the rotational speed is determined based on the motor M being “fully activated for a certain period of time, or measuring time T_2 (see FIG. 2) after the expiration of a time interval T_1 .” (Page 4, lines 1-2). (See also, Fig. 2).

Mourad, in contrast, discloses detecting the rotational speed of a DC motor by specifically “interrupting the application of” a pulse width modulated square wave control signal for a defined period of time. (col. 1, lines 63-64). Mourad thereupon acquires a “signal correlated to the voltage across” the windings and detects one or more characteristics of the signal based on the speed of the motor. (col. 1, line 64 – col. 2, line 2) Stated another way, “[t]he electronic unit 8 is set up to detect periodically the effective speed of rotation of the motor 1 by periodically interrupting the application of the PWM control signal to the gate of the electronic switch.” (emphasis added) (col. 3, lines 7-10). (See also col. 4, lines 1-9). This is also visually illustrated in Fig. 2, with the interruption beginning at time t_1 , with measurements beginning at time t_2 .

In view of the above, Mourad fails to identically disclose, *inter alia*, “fully activating the pulse activated electric motor for a defined measuring time” as recited in claim 1 and “determining a frequency of current ripples of a current flowing in a measured phase in which the pulse activated electric motor is fully activated” as recited in claim 6. Rather, as described above, Mourad clearly and expressly interrupts the PWM control system for the motor. For further support, the Examiner is directed to a comparison of Fig. 3 of Mourad with Fig. 2 of the present application, illustrating Mourad’s failure to identically disclose fully activating the electric motor.

Mourad teaches a completely different system, a control circuit that interrupts the PWM control signal; operating in a completely different manner; interrupting the operation of the engine; and producing a completely different result of a speed measurement based on periodic motor interruption. As such, Mourad fails to identical disclose the claimed invention of claims 1 and 6.

Claims 2-5 and 7 depend from claims 1 and 6, respectively, and recite further patentable subject matter over Mourad. Claims 2-5 and 7 are allowable for at least the reasons stated above with respect to claims 1 and 6, respectively.

For at least the foregoing reasons, claim 1 and 6, as well as their dependent claims 2-5 and 7, are not anticipated by Mourad.

IV. New Claim

Claim 8 has been added. Support for the subject matter of claim 8 can be found throughout the specification and drawings, including, e.g., Figs. 1 and 2, Specification, page 4, lines 1-9. It is submitted that Mourad also does not anticipate claim 8 for at least the reason that Mourad does not disclose "during the defined measuring time and while the pulse activated electric motor is fully activated, measuring a frequency of current ripples . . ." Allowance of claim 8 is requested.

Conclusion

In light of the foregoing, Applicants respectfully submit that all of the pending claims 1-8 are in condition for allowance. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON

(Res. No 36098)
Michelle Carnia

Dated: 30 Jan 2006

By:

Gerard Messina
Gerard Messina
Reg. No. 35,952

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646